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*Attorneys for Irving H. Picard, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and
the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES, LLC,

Defendant.

In re:

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

FARBER INVESTMENTS, INC.,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 10-04632 (SMB)

TRUSTEE'S REQUEST TO ENTER DEFAULT

To: CLERK OF THE COURT
UNITED STATES BANKRUPTCY COURT

Irving H. Picard (the "Trustee"), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities, LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.*, and the Estate of Bernard L. Madoff, by and through his counsel, Baker & Hostetler LLP, respectfully requests that the Clerk of the Court issue a Certificate of Default against defendant Farber Investments, Inc., pursuant to Rule 55(a) of the Federal Rules of Civil Procedure, made applicable to this Adversary Proceeding by Rule 7055 of the Federal Rules of Bankruptcy Procedure and Local Bankruptcy Rule for the Southern District of New York 7055-1, for failure to plead or otherwise defend the above-captioned action as it fully appears from the Court file and from the attached Affidavit.

WHEREFORE, the Trustee respectfully requests that this Court grant the Trustee's Motion in its entirety and provide for such other relief as this Court deems just and proper.

Dated: New York, New York
April 24, 2017

Respectfully submitted,

Of Counsel:

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/s/ Nicholas J. Cremona

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Plaintiff,

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STATE OF NEW YORK)
)
) ss:
COUNTY OF NEW YORK)

Farrell Hochmuth, being duly sworn, hereby attests as follows:

1. I was admitted pro hac vice into this Court and a partner at the firm of Baker & Hostetler LLP, which is counsel for Irving H. Picard (“Trustee”), Trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”) and the estate of Bernard L. Madoff, individually.

2. On December 1, 2010, the Trustee commenced this adversary proceeding by filing a complaint (the “Complaint”) against Farber Investments, Inc. (“Defaulting Defendant”), Issie Farber, and Sandra Farber. (Dkt. No. 1.) The Complaint asserted claims pursuant to sections 78fff(b), 78FFF-1(a) and 78fff-2(c)(3) of SIPA, sections 105(a), 544, 548(a), 550(a), and 551 of the United States Bankruptcy Code, 11 U.S.C. §§ 101, *et seq.*, and other applicable law, seeking the avoidance and recovery of fraudulent transfers in connection with certain transfers of property by BLMIS to or for the benefit of Defendants. (*Id.*).

3. On March 7, 2011, the Clerk of this Court issued a summons upon Defendants. (Dkt. No. 3).

4. On April 26, 2011, the Trustee, in accordance with Bankruptcy Rule 7004(b) of the Federal Rules of Bankruptcy Procedure, timely served the Summons and Complaint upon Defendants. (*See* Dkt. Nos. 4-6). Affidavits of Service evidencing proper and timely service were filed with the Court. (*Id.*). A true and correct copy of the Affidavits of Service are attached hereto as Exhibit A.

5. Pursuant to the Order (1) Establishing Litigation Case Management Procedures For Avoidance Actions And (2) Amending The February 16, 2010 Protective Order governing the litigation of certain avoidance actions, including this adversary

proceeding, the time by which Defendants may answer or otherwise move with respect to the Complaint expired May 6, 2011. (*See* Dkt. No. 2).

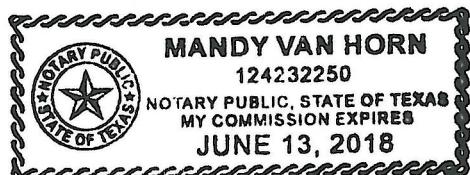
6. On June 30, 2016, the Trustee filed a Notice of Voluntary Dismissal dismissing Defendants Issie Farber and Sandra Farber from this Adversary Proceeding and dismissing Counts Two through Seven only of the Complaint. (*See* Dkt. No. 8).

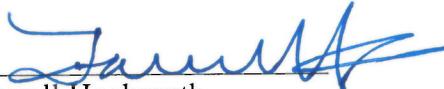
7. Despite being duly served with the Summons and Complaint, Defaulting Defendant did not file an answer, move, or otherwise respond to the Complaint on or before May 6, 2011.

8. The Defaulting Defendant is a business entity and therefore is neither an infant nor incompetent.

9. The Defaulting Defendants is a business entity, and therefore the protections afforded under the Servicemember's Civil Relief Act of 2003 should not apply.

10. I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief.



/s/ 
Farrell Hochmuth

Sworn to before me this
24 day of April 2017

Mandy Van Horn
Notary Public